

November 26, 2016 6:32 PM

Former Mesa mayor posts 21,000 sex offender names after long legal battle



1 of 2

Donna Zink, right, posted a list of more than 21,000 registered sex offenders in Washington this fall after a protracted legal battle to publicly identify Level 1 offenders. So far, the Mesa public records advocate has received only one phone call. Above, she appears in court as part of her public records case against the city of Mesa. Bob Brawdy Tri-City Herald

By Wendy Culverwell
The News Tribune

This fall, Donna Zink posted a spreadsheet with the names of 21,000 registered sex offenders in Washington, two-thirds of whom had not been previously identified on public registries.

Zink spent three years battling in court to release the information under Washington's Public Records Act, during which she was frequently vilified as a would-be vigilante.

To date, the Mesa-based public records advocate has received just one phone call, and law enforcement sources say they don't know of any incidents stemming from convicted offenders whose information was previously treated as confidential.

Sex offender lists are readily available online. The one Zink posted includes Level 1 offenders, those considered the least likely to re-offend.

Although Level 1 offenders account for well over half of all sex offenses, their names were routinely excluded from public disclosure.

Washington's 1972 voter-approved records act mandates broad disclosure of public records with few exemptions.

The list includes 586 offenders of all levels in Benton County and 273 in Franklin County.

Zink received the database after the Washington Supreme Court ruled 7-2 in April that she had a right to the Level 1 offender information held by the Washington State Patrol, which maintains the database.

This fall, she followed through on her pledge to [post the information to the Google Plus page](#) where she documents her legal battles.

(Donna Zink is one of the six state) heroes of open government.

Ramsey Ramerman, Washington Association of Public Records Officers

In addition to fighting for the release of Level 1 sex offender data, Zink is involved in several public records cases. In many of them, the nurse with psychiatric training represents herself without an attorney.

Most notable is her decade-plus [battle with the city of Mesa](#) over violations of the public records act and its companion, the Open Public Meetings Act.

Mesa was ordered to pay Zink and her husband, Jeff, a \$175,000 fine for public records violations dating back to 2003. She was the town's mayor for four years, starting in 1990.

Zink's campaign for public records drew praise from an unusual source: Ramsey Ramerman.

Ramerman, an attorney for the city of Everett, runs the nonprofit Washington Association of Public Records Officers and periodically represents jurisdictions facing records suits, including the city of Mesa.

Despite opposing Zink in court and being regularly criticized on her blog, Ramerman named Zink one of the six "heroes of open government" in Washington.

"I'm a big fan of Donna," he said, noting she helped expose problems with some agencies that weren't taking the release of public documents seriously.

Fears unfounded

Zink said fears posting sex offender data online would jeopardize sex offenders appear unfounded.

Her website has attracted many visitors, but Zink has received just a single call, from a woman who unexpectedly discovered her grandchildren's other grandfather on the list.

Zink's caller wasn't sure how to proceed or how to share the news with her own child before the grandfather joined the family for a holiday meal.

Zink said she advised civility.

I want people to start paying attention to their court system. This is a lot bigger than sex offenders. The public records aspect is what gets me.

Donna Zink, Mesa public records advocate

"They're going to have to work it out," she said. "I don't want everyone turning against each other."

The list is current to 2013, the date of Zink's initial request. She has requested updated information to cover the past three years.

A spokesman for the state patrol said there have been no other requests for the entire database, and he knew of no reports of incidents resulting from making Level 1 offenders' names public.

Franklin County Sheriff Jim Raymond said there have been no incidents reported. The Washington Association of Sheriffs and Police Chiefs confirmed that it too has received no feedback since Zink posted the information.

Why she fought

Zink first pressed for Level 1 offender information in 2013, when she could not find in a public sex offender database the name of someone she knew was convicted of a sex crime.

"I've had quite a few sexual offenses in my family, many involving children," she explained. That's when she learned Level 1 offenses were being excluded from public release, in her opinion, illegally.

She asked for — and received — Level 1 information from Franklin County, where she lives.

She made a similar request to Benton County in July 2013. Benton County processed a similar request a year earlier from school officials in Prosser.

The county agreed the information was public, but [notified more than 400 offenders](#) of the request first. Three “John Does” [sued and received an injunction](#) to stop the release.

Zink ultimately requested the state patrol’s statewide “Sex and Kidnapping Offender Database,” and related records.

According to court records, both the patrol and the Washington Association of Sheriffs and Police Chiefs intended to grant her request.

Again, offenders were notified in advance. And again, “John Does” who were classified as Level 1 offenders [sued, saying the records were exempt](#) and they feared harassment by Zink and others.

A lower court agreed with the John Does, but Zink and the state patrol appealed.

In its decision in *John Does v. Washington State Patrol* and Donna Zink, [the court recalled it had previously](#) interpreted the records act to imply a general personal privacy exemption.

The ruling was promptly overruled by the state Legislature, which amended state code to strengthen the act. It explicitly linked releasing sex offender data to public safety.

The [court ruled in favor of disclosing the database](#), but denied Zink’s request for attorney fees and penalties.

“Nothing in (state law) indicates a legislative intent to protect Level I sex offenders or their victims,” the court said in an opinion.

Zink, who is married with four grown children, said she will be watching if the 2017 Legislature attempts to restrict public records.

“I want people to start paying attention to their court system. This is a lot bigger than sex offenders. The public records aspect is what gets me,” she said.

Wendy Culverwell: [509-582-1514](tel:509-582-1514), [@WendyCulverwell](https://www.instagram.com/WendyCulverwell)

Read more here:

<http://www.thenewstribune.com/news/local/article117320733.html#storylink=cpy>